

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

Bail Appl..No. 2816 of 2007()

**(EXCISE OR. NO.12/2007 OF MALAPPALLY EXCISE RANGE)
CMP.1646/2007 of J.M.F.C.,THIRUVALLA**
.....

PETITIONER/ACCUSED NO.1:

**K.K. SAMEERAN, S/O. K.M.KUTTAPPAN,
ANJU SADANAM VEEDU, ANJILITHANAM MURI,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK.**

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

- 1. THE EXCISE INSPECTOR,
MALLAPPALLY EXCISE RANGE.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

Bail Application NO. 2816 of 2007

DATED: 15th May, 2007

ORDER

In this petition filed under Section 439 Cr.P.C, the petitioner who is the accused in C.R.No.12/07 of Mallappally Excise range for an offence punishable under Sections 55(a) of the Abkari Act for illegally found in possession of 420 litres of spirit, seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Moreover, I am not satisfied that both the ground enumerated under Section 41A (b)(ii) of the Abkari Act are present in this case so as to justify his release on bail.

This Application is accordingly dismissed.

(V.RAMKUMAR, JUDGE.)

jsr

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